

**AMENDMENTS TO THE DRAWINGS**

Enclosed herewith is an amended version of Figures 1-3, in which reference number 109 was added in Figure 1; reference number 14 was added in Figures 2 and 3; and Figure 1 is labeled "Prior Art", as suggested by the Examiner.

Attachments:        Replacement sheets

### **REMARKS**

Claims 1-7 were pending in this application when the present Office Action was mailed (August 6, 2008). In this response, claims 9-13 have been added, and no claims have been cancelled or amended. Accordingly, claims 1-7 and 9-13 are currently pending.

In the August 6, 2008 Office Action, all of the pending claims were rejected. More specifically, the status of the application in light of this Office Action is as follows:

(A) The drawings were subject to an objection as allegedly failing to comply with 37 C.F.R. § 1.84(p)(5);

(B) The specification was subject to an objection as allegedly having informalities;

(C) Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite; and

(D) Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the background section of the present application ("Background Information") and European Patent Application No. 1031745 to Almgren et al. ("Almgren").

As a preliminary matter, the undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on December 29, 2008. During the telephone interview, the Examiner and the undersigned attorney discussed the claimed subject matter and the teachings in the Background Information and Almgren. The following remarks summarize and reflect upon the points discussed during the December 29, 2008 telephone interview. The applicants accordingly request that this paper constitute the applicants' interview summary. If the Examiner notices any deficiencies in this regard, the Examiner is encouraged to contact the undersigned attorney.

A. Response to the Objection to the Drawings

The drawings were subject to an objection as allegedly omitting certain reference signs. Without commenting on or conceding the merits of the Examiner's position, Figures 1-3 have been amended as suggested by the Examiner. As a result, the objection to the drawings should be withdrawn.

B. Response to the Objection to the Specification

The specification was subject to an objection as allegedly having informalities. Without commenting on or conceding the merits of the Examiner's position, the specification has been amended to address the Examiner's concerns. As a result, the objection to the specification should be withdrawn.

C. Response to the Section 112, Second Paragraph Rejection

Claim 6 was rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. In particular, the Examiner stated that it is not clear as to the meaning of the "gap" in claim 6. Even though the applicants respectfully disagree with the Examiner's position, the specification and Figures 2 and 3 have been amended to illustrate the gap 14 between the first and second sealing lines. As a result, the Section 112, second paragraph, rejection of claim 6 should be withdrawn.

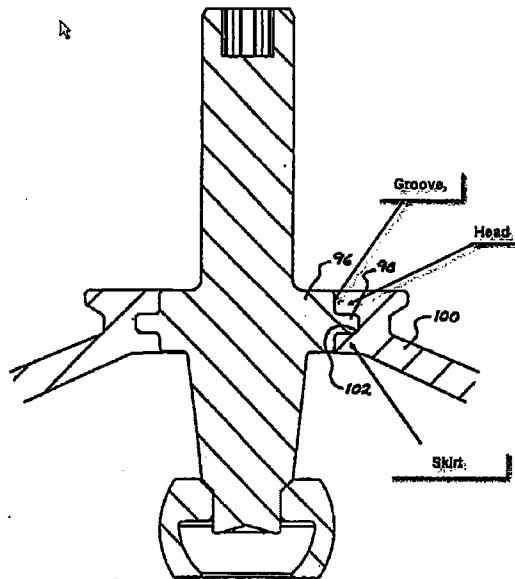
D. Response to the Section 103 Rejection

Claims 1-7 were rejected under 35 U.S.C. § 103 as being unpatentable over the Background Information and Almgren. The applicants respectfully traverse this rejection. For the reasons discussed below, the combination of the Background Information and Almgren does not support a Section 103 rejection of these claims.

Claim 1 is directed toward a sealed spherical bearing having a bearing housing, a ball located in the bearing housing, and a ring-like seal having an inner edge and an outer edge located between the bearing housing and the ball. One of these edges has

a head and a skirt depending from the head. The head is lying in an annular groove formed in one of the ball or the housing, and is free to ride in the groove. The skirt is lying on a lip upstanding from the groove. The head and the skirt define at least two sealing lines between the seal and one of the ball or the housing. The other edge of the seal is fixedly mounted to the other of the ball or the housing.

The combination of the Background Information and Almgren does not support a Section 103 rejection of claim 1 because, among other reasons, Almgren teaches away from being combined with the teachings of the Background Information. In the August 6 Office Action, the Examiner relied upon Almgren's Figure 10 (reproduced below) for the disclosure of a first edge having a skirt lying on the lip upstanding from the groove.



The Examiner corresponded an upper portion of Almgren's groove 102 to the head, and a lower portion of the groove 102 to the skirt in claim 1. However, as discussed during the December 29, 2008 telephone interview, modifying the ball joint of the Background Information with Almgren's boot 100 may render the ball joint of the of the Background Information inoperable. The Background Information discloses that the head of the ball

joint is free to ride in the groove during operation. In contrast, Almgren's boot 100, as an alternative embodiment of the boot 20 of Almgren's Figure 9, is held in place by a retaining ring 94 relative to the stem 18, so the upper portion of the boot 100 is not free to ride at all relative to the stem 18. As a result, by replacing the head 107 of the ball joint in the Background Information with Almgren's boot 100, the ball joint would fail to function because the rod and/or the ball 102 would not be able to rotate relative to the seal 104.

Moreover, the combination of the Background Information and Almgren does not support a Section 103 rejection of claim 1 because the Examiner's rationale for modifying the ball joint of the Background Information is flawed. The Examiner stated that the modification is for preventing "axial movement and rocking of the edge in the groove." However, one skilled in the art facing the problem of "axial movement and rocking of the edge in the groove" would not look in Almgren for teachings because Almgren's boot 100 does not include a seal with a head that can move axially or rock in a groove. Instead, the boot 100 itself is a groove that is configured to receive a single flange 96, which is not a groove or a part of a groove to one skilled in the art because Almgren is explicit that the single flange 96 is advantageous over other structures for production cost reasons.

Accordingly, for at least the foregoing reasons, the combination of the Background Information and Almgren does not support a Section 103 rejection of claim 1. Claims 2-7 depend from claim 1 and may contain additional features that are neither taught nor suggested in the applied references. For example, neither the Background Information nor Almgren teach or suggest "the skirt tapers from a root end at the head to a tip end" of claim 4. Instead, the upper portion and the lower portion of Almgren's boot 100 appear to have a generally ring shape. Further, the Examiner alleged that the combination of the Background Information and Almgren inherently disclose the "gap" in claim 6. To establish inherency, the Examiner must provide

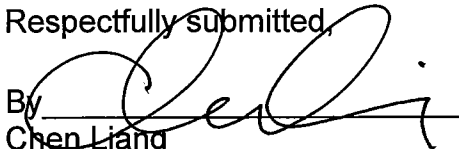
evidence that the alleged inherent features or results are consistent, necessary, and inevitable, not merely possible or probable. The Examiner has failed to do so in this Office Action. As a result, the Section 103 rejection of these dependent claims should also be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the applied art. The applicants accordingly request reconsideration of the application and a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Chen Liang at (206) 359-6038.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 593458001US from which the undersigned attorney is authorized to draw.

Dated: January 6, 2009

Respectfully submitted,

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Attachments